

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE EIGHTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO: 18366 of 2004

Between:

Kondiba, S/o Mariba,
R/o Ghodapur Village, Kubeer Mandal, Adilabad District

... PETITIONER

AND

- 1 The District Collector, Adilabad
- 2 The M.R.O.,Kubeer, Adilabad District

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ or order or direction more specifically one in the nature of Writ of Mandamus declaring the action of the 2nd respondent in passing the impugned proceedings vide No.A/1104/04, dated 18-08-2004 U/s 6 of A.P.Land Encroachment Act, 1905 as illegal, arbitrary, violative of principles of natural justice, provisions of Act, III of 1905 are not applicable since it is an assigned land in favour of the petitioner herein and violative of Art.14,21 and 300A of the Constitution of India by directing the respondents not to dispossess the petitioner from the land covered under the impugned proceedings by applying the provisions of AP Land Encroachment Act, 1905.

Counsel for the Petitioner: MR.B.KRISHNA MOHAN

Counsel for the Respondents: GP FOR REVENUE

The Court, at the admission stage, made the following:

ORDER:

After issuance of the show cause notice dated 18-08-2004 under Section 7 of the A.P. Land Encroachment Act, 1905 (for short 'the Act') final orders were passed by the second respondent under Section 6 of the Act dated 18-08-2004 with a direction to the authorized officer to take possession of the land to the custody of the Government. Questioning the same, the present writ petition has been filed.

2. Learned counsel for the petitioner contends that when petitioner was assigned lands in 1983, he cannot be treated as an encroacher and the entire proceedings initiated are void.

3. In view of the same petitioner is at liberty to file an appeal along with the patta certificate granted in his favour within a period of three weeks from the date of receipt of a copy of this order and assail all the grounds including the ground that proceedings initiated are void since he was issued patta certificate. On filing such appeal, the Revenue Divisional Officer shall entertain the same and dispose of the same in accordance with law. It is made clear that till the disposal of the appeal, petitioner shall not be dispossessed from the suit schedule property.

The writ petition is accordingly disposed of. No costs.

A.

GOPAL REDDY, J

November 8, 2004

N.B. *Furnish copy in three days*

(B/o)

MRR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To:

- 1 The District Collector, Adilabad
- 2 The M.R.O.,Kubeer, Adilabad District
- 3 Two C.C. s to the G.P. for Revenue, High Court Buildings, Hyderabad (OUT)
- 4 Two C.D. Copies.